

LAURENCE M. SCHWARTZTOL
STAFF ATTORNEY
RACIAL JUSTICE PROGRAM
T/212.519.7849
LSCHWARTZTOL@ACLU.ORG



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/16/2014

MEMO ENDORSED

June 12, 2014

Honorable Valerie E. Caproni
United States District Court
U.S. Court House
40 Foley Square
New York, NY 10007

Re: *Adkins et al. v. Morgan Stanley et al.*, 1:12:cv-7667-VEC

Dear Judge Caproni,

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2644
F/212.549.2580
WWW.ACLU.ORG

OFFICERS AND DIRECTORS
SUSAN N. HERMAN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

RICHARD ZACKS
TREASURER

I represent Plaintiffs in the above-referenced case. I write to respectfully request that Plaintiffs' deadline to file a motion for class certification and disclose expert reports be stayed until June 27, 2014 in light of the case management conference scheduled for June 19, 2014. Defendants consent to this request. The parties also jointly respectfully request an enlargement of Your Honor's page limits in connection with the class certification briefing.

The parties have conferred about Plaintiffs' requests in this letter and Defendants agree to them. More generally, both sides agree that the time currently allotted for the parties to brief class certification, to make associated expert disclosures, and to simultaneously conduct expert discovery is not sufficient, so the parties will present to the Court a new proposed schedule with appropriate extensions of those deadlines.

Pursuant to Rule 1.C of Your Honor's Individual Practice in Civil Cases, Plaintiffs note that the deadline for the filing of a class certification motion and disclosure of expert reports was originally set for March 25, 2014. Dckt. No. 54. It has subsequently been extended on four occasions: twice as part of jointly requested modifications to the overall case management schedule, Dckt. No. 66, 72, once *sua sponte* by Judge Baer as part of the resolution of a disputed scheduling matter, Dckt. No. 89, and most recently by Chief Judge Preska, who issued an order following Judge Baer's passing providing that "[c]lass certification briefing and expert disclosure deadlines are extended to June 20 without prejudice to application to the transferee judge," Dckt. No. 114.

On June 12, 2014, Your Honor issued an order directing the parties to appear at a status conference on June 19, 2014. Dckt. No. 115. As noted, the parties expect to address issues relating to case management and the litigation schedule at that conference. This request is also consistent with the parties' previous joint request, prior to the case's re-assignment, for a "stay of the

impending class certification briefing and expert disclosure deadlines until the case is reassigned and the parties are able to hold a case management conference with the new judge assigned to the matter.” Dckt. No. 113.

Finally, the parties respectfully request an enlargement of Your Honor’s page length limitations in connection with the class certification briefing. The parties propose that the opening and opposition briefs be limited to 35 pages each, and that the reply brief be limited to 20 pages. The parties respectfully submit that the briefing will involve discussion of a voluminous factual record, which has consisted of over 2.5 million pages of documents and nearly 20 days of deposition testimony.

We thank for the Court for considering these requests.

Sincerely,

/s/ Laurence M. Schwartztol

Laurence M. Schwartztol

Plaintiffs' deadline to disclose expert reports and move for class certification is extended to June 27, 2014. All other requested relief will be discussed at the conference on June 19, 2014.

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

Date: 6/16/2014